

Application Serial No. 10/533,710
Reply to Office Action of April 29, 2008

PATENT
Docket: CU-4190

REMARKS

In the Office Action, dated April 29, 2008, the Examiner states that Claims 1-12 are pending, Claims 1-9 are rejected and Claims 10-12 are objected to. By the present Amendment, Applicant amends the claims.

1. Objection to Claims 10-12 under 37 CFR 1.75(c)

Claims 10-12 are rejected under 37 CFR 1.75(c) as being in improper form. Solely in the interest of advancing prosecution and without prejudice or disclaimer of the subject matter thereof, Claims 10-12 have been amended. Specifically, the phrase "any one of claims 1 to 9" has been deleted from the claims. As such, Applicant asserts that currently amended Claims 10-12 are not improper under 37 CFR 1.75(c) and respectfully requests withdrawal of the present rejection.

2. Rejection of Claim 11 under 35 USC 112, second paragraph and under 35 USC 101

Claim 11 is rejected under 35 USC 112, second paragraph, and 35 USC 101 for the reasons of record. As previously mentioned, Claim 11 has been amended and now sets forth positive method steps. Applicant asserts that currently amended Claim 1 overcomes the present rejections and thus respectfully requests withdrawal of the rejections of Claim 11 under 35 USC 112, second paragraph, and 35 USC 101.

3. Rejection of Claims 1-8 under 35 USC 102(e)

Claims 1-8 are rejected under 35 USC 102(e) as anticipated by Bell et al. (US 2003/0148897) for the reasons of record. Applicant respectfully disagrees with and traverses this rejection.

Bell et al. discloses that a viscosity modifier can be blended into the base oil in an amount of 0.01 – 10% by mass (see Table of paragraph [0103]). However, Bell et al. does not disclose or suggest that the viscosity index improver, which has a weight-average molecular weight of 40,000 or less, is blended into the base oil so as to set the viscosity index of the composition to 160 or more and set the kinematic viscosity of the composition into the range of 20 to 30 mm²/s at 40 °C.

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Moreover, Bell et al. discloses the content of boron or nitrogen in the dispersant (see Table 1 of paragraph [0114]) but does not disclose the content of boron or nitrogen in the total of "the lubricating oil composition" as in the rejected claims. In Table 2, paragraph [0116] of Bell et al., the B/N/ ration of lubricant oil is disclosed, but this B/N ratio does not mean the content of boron or nitrogen in the lubricating oil.

Further, the B/N ratio of the boron-modified compound in amended claim 7 is different from the B/N ratio disclosed in Bell et al. (see paragraph [0041]).

Lastly, Claim 1 features a polymethacrylate (C) component having a weight-average molecular weight of 10,000 to 40,000 and Bell is silent with respect to this (C) component.

As such, Applicant respectfully requests withdrawal of the rejection of Claims 1-8 under 35 USC 102(e).

4. Rejection of Claims 8 and 9 under 35 USC 103(a)

Claims 8 and 9 are rejected under 35 USC 103(a) as obvious over Bell et al. in view of Ozbalik (US 2003/0153469) for the reasons of record. Applicant respectfully disagrees with and traverses this rejection.

Ozbalik discloses succinimides with alkyl or alkenyl substitution, such as a 950 MW polyisobutylene (PIB) residue (see paragraph [0044]). However, Ozbalik does not disclose or suggest the B/N ratio of the succinimide nor whether it is a mono type or bis type. Moreover, Ozbalik discloses that a viscosity index improver can be added (see paragraph [0044]), but it does not teach or suggest that the viscosity index improver, which has a weight-average molecular weight of 40,000 or less, is blended into the base oil so as to set the viscosity index of the composition to 160 or more and set the kinematic viscosity of the composition into the range of 20 to 30 mm²/s at 40 °C.

Finally, since Independent Claim 1 is patentable over the prior art, all claims depending therefrom should be patentable by virtue of their dependency on a patentable independent claim, as well as for the features that they recite.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejection of Claims 8 and 9 under 35 USC 103(a).

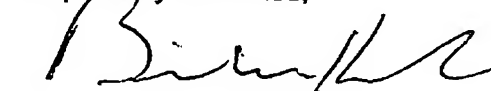
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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

July 28, 2008
Date

Respectfully submitted,



Attorney for Applicant
Brian W. Hameder
c/o Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300
Reg. No. 45613